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Attorneys for DORA BAIRES, individually, and  
 on behalf the estate of JUAN CARLOS  
 BAIRES; and Teofilo MIRANDA, an  
 individual.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DORA BAIRES, et al.,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA; et al.,

Defendants.

No.: C 09-05171 CRB

**AMENDED STIPULATION AND  
~~[PROPOSED]~~ ORDER RE PLAINTIFFS'  
 THIRD AMENDED COMPLAINT**

*Honorable Charles R. Breyer*

**STIPULATION**

Plaintiffs Dora Baires and Teofilo Miranda ("Plaintiffs"); Defendants United States of America, the Department of Homeland Security, United States Immigration and Customs Enforcement, the Division of Immigration Health Services, the Office of Detention and Removal, John P. Torres, James T. Hayes, Nancy Alcantar, Timothy Aitken, and Brian Myrick; and Defendants the County of Kern, Kern County Sheriff's Department, Kern Medical Center, Lerdo Detention Facility, Donald Youngblood, and Khosrow Mostofi, M.D., ("Kern County Defendants") ("Federal Defendants" and "Kern County Defendants" collectively herein "Defendants"), through their respective counsel of record, hereby agree and stipulate as follows:

1. Whereas, Plaintiffs filed their original complaint in this Action on October 30, 2009.

2. Whereas, Plaintiffs filed their First Amended Complaint on May 4, 2010.

3. Whereas, on September 8, 2010, the Court granted the Federal Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint.

4. Whereas, on November 5, 2010, Plaintiffs filed their Second Amended Complaint.

5. Whereas, the Federal Defendants moved to dismiss the Second Amended Complaint, and on May 6, 2011, the Court issued an Order granting in part and denying in part the Federal Defendants' Motions, without prejudice ("Order"). In the Order, the Court directed the USA to produce specific documents by June 6, 2011.

6. Whereas, Plaintiffs now seek to file their Third Amended Complaint.

7. Whereas, the parties previously agreed to set July 6, 2011, as the deadline to file the Third Amended Complaint. This deadline depended on the USA's timely production of documents on June 6, 2011.

8. Whereas, the USA did not produce any documents on June 6, 2011, nor has it produced any documents as of the date of filing this Stipulation. Plaintiffs filed a Motion to Compel Production of Documents from Defendant USA on June 30, 2011 ("Motion"). The Motion is noticed for August 5, 2011.

9. Whereas, the parties agree to set the deadline for Plaintiffs to amend their complaint to thirty (30) days after the USA produces documents specified in the Order.

10. Whereas, Plaintiffs agree to withdraw the Motion if the USA produces the requested documents on or before July 8, 2011.

IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective counsel of record, that:

Plaintiffs may amend their complaint and file their Third Amended Complaint within thirty (30) days after the USA produces documents specified in the Court's May 6, 2011 Order. Plaintiffs will withdraw the Motion to Compel Production of Documents from Defendant USA if the USA produces the requested documents on or before July 8, 2011. Defendants shall have thirty (30) days to respond to the Third Amended Complaint after filing, provided that no new Federal Defendants are named. If Plaintiffs name new Federal Defendants, the Federal Defendants shall have sixty (60) days to respond to the Third Amended Complaint after filing.

**IT IS SO STIPULATED.**

DATED: July 6, 2011.

REED SMITH LLP

By /s/ Katie B. Annand  
Katie B. Annand  
Attorneys for Plaintiffs

DATED: July 6, 2011.

MELINDA HAAG

By /s/ Abraham A. Simmons  
Abraham A. Simmons, Assistant United States  
Attorney  
Attorneys for Federal Defendants

DATED: July 6, 2011.

THERESA A GOLDNER, COUNTY COUNSEL

By /s/ Marshall S. Fontes  
Marshall S. Fontes, Deputy County Counsel  
Attorneys for Kern County Defendants

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**[PROPOSED] ORDER**

IT IS HEREBY ORDERED, upon the consent of the parties, that Plaintiffs shall file their Third Amended Complaint within thirty (30) days after the USA produces documents specified in the Court's May 6, 2011 Order..

DATED July 8, 2011.

